

**Bio-Based:** According to the US Department of Agriculture, bio-based products are commercial or industrial products that are composed in whole or in significant part, of biological products or renewable domestic agricultural materials or forestry materials. For the purposes of EO 77, bio-based plastics are not appropriate alternatives to single-use plastics unless the bio-based plastic is compostable and composting is available in the area. Not all bio-based plastics are able to be composted.

**Compostable:** For the purposes of EO 77, a “compostable” item is one that will degrade into natural elements in either a purpose-built composting bin or within 180 days at a commercial composting (in-vessel composter) facility.

**Concessioners:** For the purposes of EO 77, “concessioners” include vendors, licensees or contractors performing a function for the agency or institute of higher education, including food, janitorial and commercial services.

**Disposable Plastic Bag:** For the purposes of EO 77, the term “disposable plastic bag” does not include durable plastic bags with handles that are specifically designed and manufactured for multiple reuse and that are four millimeters thick; red bags for biohazard and medical waste; pet waste bag; or plastic bags that are solely used to wrap, contain or package ice cream, meat, fish, poultry, produce, unwrapped bulk food items or perishable food items in order to avoid damage or contamination.

**Executive Branch Agencies:** EO 77 applies to all executive branch state agencies under the authority of the Governor, including state institutions of higher education, and their concessioners. Entities within the legislative and judicial branches of state government, independent executive branch agencies, school districts, and local governments are not covered by EO 77; however, their voluntary participation is welcomed.

**Recyclable:** As outlined in DEQ’s [\*Guidance for the Certification of Recycling Machinery and Equipment for State Income Tax Credit Under Sections 58.1-439.7 of the Code of Virginia\*](#), “recyclable” means capable of being diverted or reclaimed from the waste stream and prepared for further beneficial use through the recycling process. For the purposes of EO 77, for an agency to claim that an item is recyclable, there is a reasonable expectation that the item will be recycled and that the agency has taken proactive steps to ensure that the item will be recycled and keep the alternative out of a landfill or from becoming litter.

For an item to be an acceptable recyclable alternative, there needs to be a collection system onsite to collect the material to be sent for recycling. If practicable, the material must be recycled as part of a closed loop system, meaning that the material is recycled into the same item. If a closed loop recycling process is not practicable for the item, the item must still be collected and sent for recycling to qualify as an acceptable recyclable alternative. For purposes of EO 77,

chemical recycling, which refers to a class of technologies that purify, decompose or convert waste plastics into like-new materials, is not an acceptable alternative at present.

If an agency elects to use a recyclable item as an appropriate alternative item, the agency must explain in its plan how it will collect the item and send it to be recycled.

**Reusable:** For the purposes of EO 77, “reusable” means a durable item that can be used multiple times for its intended purpose.

**Plastic and Polystyrene Food Service Containers:** For the purposes of EO 77, the definition of “plastic and polystyrene food service containers” shall be the same as the definition of “polystyrene food service containers” in §10.1-1414 of the Code of Virginia except that it shall also include containers made of all types of plastic.

“Expanded polystyrene food service container” means a rigid single-use container made primarily of expanded polystyrene and used in the restaurant and food service industry for serving or transporting prepared, ready-to-consume food or beverages. “Expanded polystyrene food service container” includes plates, cups, bowls, trays and hinged containers but does not include packaging for unprepared foods or packaging, including a cooler, used in the shipment of food.

**Single-Use Plastics:** For the purposes of EO 77, the term “single-use plastic” refers generally to a plastic item that is used once and immediately discarded, such as disposable personal plastic water bottles. Larger plastic bottles, such as a multi-use ketchup bottle, are not considered single-use; however, due to the low recycling rate of plastic, the negative impacts of plastics on the environment and emerging markets for reusable alternatives, replacing larger, multiple-use plastic bottles should be considered as part of the agency’s longer-term solid waste reduction planning.

“Single-use plastic” excludes items not typically used by the public, such as plastic bags that are used to collect and store evidence for criminal and regulatory cases, plastics used in laboratories of all types and plastic handcuffs. Agencies should consult DEQ if there are questions about whether specific items are covered by the EO. As noted above, due to the low recycling rate of plastic, the negative impacts of plastics on the environment and emerging markets for reusable alternatives, replacing the excluded items should be considered as part of the agency’s longer-term solid waste reduction planning. This includes seeking environmentally friendlier plastics to the extent practicable, including biodegradable plastics and plastics with high levels of recycled content.